

**UNDER SEAL**

**UNDER SEAL**

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
OCT 11 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

Danielle E. Karst (D.C. Bar No. 481881)  
Timothy J. Mulreany (Maryland Bar No. 8812160123)  
**COMMODITY FUTURES TRADING COMMISSION**  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581  
Telephone: (202) 418-6158 (Karst)  
Telephone: (202) 418-5306 (Mulreany)  
Facsimile: (202) 418-5523  
dkarst@cftc.gov  
tmulreany@cftc.gov

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

v.

DAVID GILBERT SAFFRON  
a/k/a DAVID GILBERT and  
CIRCLE SOCIETY, CORP.,

Defendant.

Case No. 2:19-cv-1697-JAD-DJA

**AFFIDAVIT OF SERVICE ON  
DEFENDANT CIRCLE SOCIETY, CORP.**

I, Danielle Karst, hereby declare as follows:

1. I am counsel for Plaintiff Commodity Futures Trading Commission ("Plaintiff" or "CFTC") in this action and have personal knowledge of the facts stated herein.

2. Defendant Circle Society, Corp. ("Circle Society") is a Nevada corporation, and the Nevada Secretary of State's Articles of Incorporation for Circle Society list P. Sterling Kerr ("Kerr") as the active Registered Agent of Circle Society. See Certified Nevada Secretary of State business records for Circle Society and Nevada Secretary of State online listing for Circle Society dated October 9, 2019 (attached as Exhibit 1).

3. Counsel for Circle Society's Registered Agent P. Sterling Kerr confirmed to me in an email dated October 4, 2019, that "Mr. Kerr will accept electronic service by email at the

1 following address: sterling@sterlingkerrlaw.com.”<sup>1</sup>

2 4. Accordingly, I served Circle Society on October 7, 2019, with the following  
3 documents via electronic mail to Circle Society’s Registered Agent P. Sterling Kerr  
4 (sterling@sterlingkerrlaw.com): (1) Complaint (ECF No. 1); (2) Civil Cover Sheet; (3) Signed  
5 Summons (ECF No. 4); (4) Motion to Permit Appearance of Government Attorneys (ECF No.  
6 3); (5) Motion and Memorandum to Seal and Proposed Order (ECF No. 2); (6) Motion and  
7 Memorandum for *Ex Parte* Statutory Restraining Order and Proposed Order (ECF No. 5); (7)  
8 Declaration of CFTC George Malas with Exhibits (ECF Nos. 5-1, 6-1); (8) Motion and  
9 Memorandum for Preliminary Injunction and Proposed Order (ECF No. 6); and (9) Sealed Court  
10 Order re Motions for Pretrial Equitable Relief and Related Matters (ECF No. 9).


12 5. In addition to my service on Registered Agent P. Sterling Kerr via electronic mail,  
13 on October 8, 2019, CFTC paralegal Hillary Van Tassel served the same above-listed documents  
14 on Circle Society via United Parcel Service (“UPS”) overnight delivery to Circle Society’s  
15 Registered Agent P. Sterling Kerr at 2450 St. Rose Parkway, Suite 120, Henderson, Nevada  
16 89074. *See* Proof of Service on Circle Society (attached as Exhibit 2) and UPS delivery  
17 confirmation (attached as Exhibit 3).

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20 <sup>1</sup> Subsequently, Mr. Kerr’s counsel stated that Mr. Kerr had resigned as Registered Agent of  
21 Circle Society and provided a copy of Mr. Kerr’s Resignation of Registered Agent Form to  
22 the CFTC. This Resignation of Registered Agent Form is undated and does not contain any  
23 stamp or other proof of filing from the Nevada Secretary of State’s Office. Mr. Kerr’s  
24 counsel stated that, “according to his [Kerr’s] staff, this [Kerr’s resignation] was sent on  
25 8/20/19.” Nevada Revised Statute 77.370 governing resignation of a registered agent  
26 provides in relevant part: “A statement of resignation takes effect on the earlier of the 31st  
27 day after the day on which it is filed or the appointment of a new registered agent for the  
28 represented entity.” The Nevada Secretary of State’s records do not show that Mr. Kerr’s  
resignation has actually been *filed*, irrespective of the date Mr. Kerr’s staff “sent” the  
resignation. Although the CFTC requested additional documentation of Mr. Kerr’s  
resignation from Mr. Kerr’s counsel, the CFTC has not received any such documentation as of  
the date of this filing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2019.

By:   
Danielle E. Karst

# Exhibit 1

Nevada Secretary of State Certified Records

**BARBARA K. CEGAVSKE**

*Secretary of State*

**KIMBERLEY PERONDI**

*Deputy Secretary for  
Commercial Recordings*

**STATE OF NEVADA**



**OFFICE OF THE  
SECRETARY OF STATE**

*Commercial Recordings Division*

*202 N. Carson Street*

*Carson City, NV 89701*

*Telephone (775) 684-5708*

*Fax (775) 684-7138*

*North Las Vegas City Hall*

*2250 Las Vegas Blvd North, Suite 400*

*North Las Vegas, NV 89030*

*Telephone (702) 486-2880*

*Fax (702) 486-2888*

**Certified Copy**

10/10/2019 04:03:20 AM

**Work Order Number:** W2019100700546 - 150065  
**Reference Number:** 20190214929  
**Through Date:** 10/10/2019 04:03:20 AM  
**Corporate Name:** CIRCLE SOCIETY, CORP.

The undersigned filing officer hereby certifies that the attached copies are true and exact copies of all requested statements and related subsequent documentation filed with the Secretary of State's Office, Commercial Recordings Division listed on the attached report.

Document Number	Description	Number of Pages
20180394381-29	Initial List - 09/06/2018	1
20180394380-18	Articles of Incorporation - 09/06/2018	1



Certified By: Electronically Certified

Certificate Number: B20191010282783

You may verify this certificate

online at <http://www.nvsos.gov>

Respectfully,

A handwritten signature in black ink that reads "Barbara K. Cegavske".

BARBARA K. CEGAVSKE  
Nevada Secretary of State

**(PROFIT) INITIAL/ANNUAL LIST OF OFFICERS, DIRECTORS AND STATE BUSINESS LICENSE APPLICATION OF:**

ENTITY NUMBER

CIRCLE SOCIETY, CORP.

E0419242018-7

NAME OF CORPORATION

FOR THE FILING PERIOD OF SEP, 2018 TO SEP, 2019



\*100103\*

USE BLACK INK ONLY - DO NOT HIGHLIGHT

**\*\*YOU MAY FILE THIS FORM ONLINE AT [www.nvsilverflume.gov](http://www.nvsilverflume.gov)\*\***

- ☐ Return one file stamped copy. (If filing not accompanied by order instructions, file stamped copy will be sent to registered agent.)

**IMPORTANT:** Read instructions before completing and returning this form.

- Print or type names and addresses, either residence or business, for all officers and directors. A President, Secretary, Treasurer, or equivalent of and all Directors must be named. There must be at least one director. An Officer must sign the form. **FORM WILL BE RETURNED IF UNSIGNED.**
- If there are additional officers, attach a list of them to this form.
- Return the completed form with the filing fee. Annual list fee is based upon the current total authorized stock as explained in the Annual List Fee Schedule For Profit Corporations. A \$75.00 penalty must be added for failure to file this form by the deadline. An annual list received more than 90 days before its due date shall be deemed an amended list for the previous year.
- State business license fee is \$500.00/\$200.00 for Professional Corporations filed pursuant to NRS Chapter 89. Effective 2/1/2010, \$100.00 must be added for failure to file form by deadline.
- Make your check payable to the Secretary of State.
- Ordering Copies:** If requested above, one file stamped copy will be returned at no additional charge. To receive a certified copy, enclose an additional \$30.00 per certification. A copy fee of \$2.00 per page is required for each additional copy generated when ordering 2 or more file stamped or certified copies. Appropriate instructions must accompany your order.
- Return the completed form to: Secretary of State, 202 North Carson Street, Carson City, Nevada 89701-4201, (775) 684-5708.
- Form must be in the possession of the Secretary of State on or before the last day of the month in which it is due. (Postmark date is not accepted as receipt date.) Forms received after due date will be returned for additional fees and penalties. Failure to include annual list and business license fees will result in rejection of filing.

(This document was filed electronically.)

ABOVE SPACE IS FOR OFFICE USE ONLY

**CHECK ONLY IF APPLICABLE AND ENTER EXEMPTION CODE IN BOX BELOW**

- ☐ Pursuant to NRS Chapter 76, this entity is exempt from the business license fee. Exemption code:

**NRS 76.020 Exemption Codes**

001 - Governmental Entity

006 - NRS 680B.020 Insurance Co.

**NOTE: If claiming an exemption, a notarized Declaration of Eligibility form must be attached. Failure to attach the Declaration of Eligibility form will result in rejection, which could result in late fees.**

- ☐ This corporation is a publicly traded corporation. The Central Index Key number is:

- ☐ This publicly traded corporation is not required to have a Central Index Key number.

NAME DAVID SAFFRON	TITLE(S) PRESIDENT (OR EQUIVALENT OF)		
ADDRESS 2450 ST ROSE PKWY STE 120	CITY HENDERSON	STATE NV	ZIP CODE 89074
NAME DAVID SAFFRON	TITLE(S) SECRETARY (OR EQUIVALENT OF)		
ADDRESS 2450 ST ROSE PKWY STE 120	CITY HENDERSON	STATE NV	ZIP CODE 89074
NAME DAVID SAFFRON	TITLE(S) TREASURER (OR EQUIVALENT OF)		
ADDRESS 2450 ST ROSE PKWY STE 120	CITY HENDERSON	STATE NV	ZIP CODE 89074
NAME DAVID SAFFRON	TITLE(S) DIRECTOR		
ADDRESS 2450 ST ROSE PKWY STE 120	CITY HENDERSON	STATE NV	ZIP CODE 89074

None of the officers or directors identified in the list of officers has been identified with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

I declare, to the best of my knowledge under penalty of perjury, that the information contained herein is correct and acknowledge that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

X DAVID SAFFRON

Title

PRESIDENT

Date

9/6/2018 11:34:34 AM

**Signature of Officer or  
Other Authorized Signature**

Nevada Secretary of State List Profit  
Form: 100103 Revised: 7-1-17



\*040105\*



**BARBARA K. CEGAUSKE**  
 Secretary of State  
 202 North Carson Street  
 Carson City, Nevada 89701-4201  
 (775) 684-5708  
 Website: [www.nvsos.gov](http://www.nvsos.gov)

## Articles of Incorporation

(PURSUANT TO NRS CHAPTER 78)

(This document was filed electronically.)

USE BLACK INK ONLY - DO NOT HIGHLIGHT

ABOVE SPACE IS FOR OFFICE USE ONLY

<b>1. Name of Corporation:</b>	CIRCLE SOCIETY, CORP.		
<b>2. Registered Agent for Service of Process:</b> (check only one box)	<input checked="" type="checkbox"/> Commercial Registered Agent: <b>P STERLING KERR</b> Name <input type="checkbox"/> Noncommercial Registered Agent (name and address below) <b>OR</b> <input type="checkbox"/> Office or Position with Entity (name and address below) Name of Noncommercial Registered Agent <b>OR</b> Name of Title of Office or Other Position with Entity Street Address City Nevada Zip Code Mailing Address (if different from street address) City Nevada Zip Code		
<b>3. Authorized Stock:</b> (number of shares corporation is authorized to issue)	Number of shares with par value: <input type="text"/>	Par value per share: \$ <input type="text"/>	Number of shares without par value: <b>2500</b>
<b>4. Names and Addresses of the Board of Directors/Trustees:</b> (each Director/Trustee must be a natural person at least 18 years of age; attach additional page if more than two directors/trustees)	1) <b>DAVID SAFFRON</b> Name <b>2450 ST ROSE PKWY STE 120</b> <b>HENDERSON</b> <b>NV</b> <b>89074</b> Street Address City State Zip Code 2) <input type="text"/> Name <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Street Address City State Zip Code		
<b>5. Purpose:</b> (optional; required only if Benefit Corporation status selected)	The purpose of the corporation shall be: <b>ANY LEGAL PURPOSE</b>		<b>6. Benefit Corporation:</b> (see instructions) <input type="checkbox"/> Yes
<b>7. Name, Address and Signature of Incorporator:</b> (attach additional page if more than one incorporator)	I declare, to the best of my knowledge under penalty of perjury, that the information contained herein is correct and acknowledge that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State. <b>DAVID SAFFRON</b> <b>X</b> <b>DAVID SAFFRON</b> Name Incorporator Signature <b>2450 ST ROSE PKWY STE 120</b> <b>HENDERSON</b> <b>NV</b> <b>89074</b> Address City State Zip Code		
<b>8. Certificate of Acceptance of Appointment of Registered Agent:</b>	I hereby accept appointment as Registered Agent for the above named Entity. <b>X</b> <b>P STERLING KERR</b> <b>9/6/2018</b> Authorized Signature of Registered Agent or On Behalf of Registered Agent Entity Date		

This form must be accompanied by appropriate fees.

Nevada Secretary of State NRS 78 Articles  
Revised: 1-5-15



**ENTITY INFORMATION****ENTITY INFORMATION****Entity Name:**

CIRCLE SOCIETY, CORP.

**Entity Number:**

E0419242018-7

**Entity Type:**

Domestic Corporation (78)

**Entity Status:**

Active

**Formation Date:**

09/06/2018

**NV Business ID:**

NV20181639895

**Termination Date:**

Perpetual

**Annual Report Due Date:**

9/30/2019

**REGISTERED AGENT INFORMATION****Name of Individual or Legal Entity:**

P STERLING KERR

**Status:**

Active

10/9/2019

Nevada eSOS

**CRA Agent Entity Type:**

CRA - Corporation

**Registered Agent Type:**

Commercial Registered Agent

**NV Business ID:**

NV20131671786

**Office or Position:****Jurisdiction:**

NEVADA

**Street Address:**

2450 ST ROSE PKWY STE 120, HENDERSON, NV, 89074, USA

**Email Address:**

PSKLAW@AOL.COM

**Mailing Address:****Individual with Authority to Act:**

PRESTON STERLING KERR

**Contact Phone Number:****Fictitious Website or Domain Name:****PRINCIPAL OFFICE ADDRESS****Address:****Mailing Address:****OFFICER INFORMATION**☐ **VIEW HISTORICAL DATA**

Title	Name	Address	Last Updated	Status
-------	------	---------	--------------	--------

10/9/2019

Nevada eSOS

Title	Name	Address	Last Updated	Status
President	DAVID SAFFRON	2450 ST ROSE PKWY STE 120, HENDERSON, NV, 89074, USA	09/06/2018	Active
Secretary	DAVID SAFFRON	2450 ST ROSE PKWY STE 120, HENDERSON, NV, 89074, USA	09/06/2018	Active
Treasurer	DAVID SAFFRON	2450 ST ROSE PKWY STE 120, HENDERSON, NV, 89074, USA	09/06/2018	Active
Director	DAVID SAFFRON	2450 ST ROSE PKWY STE 120, HENDERSON, NV, 89074, USA	09/06/2018	Active

Page 1 of 1, records 1 to 4 of 4

**CURRENT SHARES**

Class/Series	Type	Share Number	Value
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No records to view.

Number of No Par Value Shares:

**2500**

Total Authorized Capital:

**2,500**[Filing History](#)[Name History](#)[Mergers/Conversions](#)[Return to Search](#)[Return to Results](#)

**FILING HISTORY****ENTITY INFORMATION****Entity Name:**

CIRCLE SOCIETY, CORP.

**Entity Number:**

E0419242018-7

**Entity Type:**

Domestic Corporation (78)

**Entity Status:**

Active

**Formation Date:**

09/06/2018

**NV Business ID:**

NV20181639895


**Termination Date:**

Perpetual

**Annual Report Due Date:**


9/30/2019

**FILING HISTORY DETAILS**

File Date	Effective Date	Filing Number	Document Type	Amendment Type	Source	View
09/06/2018	09/06/2018	20180394381-29	Initial List		External	

10/9/2019

Nevada eSOS

File Date	Effective Date	Filing Number	Document Type	Amendment Type	Source	View
09/06/2018	09/06/2018	20180394380-18	Articles of Incorporation		External	
Page 1 of 1, records 1 to 2 of 2						
FILING DATE SNAPSHOT AS OF: 09/06/2018						
Business Details	Name Changes	Principal Office	Registered Agent			
Officer Information	Shares	No Data to display.				

[Back](#)[Return to Search](#)[Return to Results](#)

# Exhibit 2

Proof of Service on Circle Society

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Nevada

Commodity Futures Trading Commission,

*Plaintiff(s)*

v.

David Gilbert Saffron a/k/a David Gilbert and Circle  
Society, Corp.,

*Defendant(s)*

Civil Action No. 2:19-cv-01697-JAD-DJA

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Circle Society, Corp.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Danielle Edward Karst  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street NW  
Washington, DC 20581

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DEBRA K. KEMPI

CLERK

*Debra K. Kemp*

(By) DEPUTY CLERK



October 4, 2019

DATE

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 2:19-cv-01697-JAD-DJA

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Circle Society, Corp.  
 was received by me on *(date)* October 4, 2019

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* Preston Sterling Kerr, Registered Agent, who is  
 designated by law to accept service of process on behalf of *(name of organization)* Circle Society, Corp.  
 on *(date)* October 8, 2019 ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: October 9, 2019



*Server's signature*

Hillary Van Tassel, Paralegal Specialist

*Printed name and title*

Commodity Futures Trading Commission  
 1155 21st Street, NW  
 Washington, DC 20581

*Server's address*

Additional information regarding attempted service, etc:

Preston Sterling Kerr, registered agent for Circle Society, Corp., agreed to accept service on behalf of Circle Society, Corp. On October 7, 2019 the Commodity Futures Trading Commission placed in overnight UPS mail the following documents: Complaint, Motion to Seal and Proposed Order, Civil Cover Sheet, Signed Summons for Circle Society, Corp. and David Saffron, Declaration of Commodity Futures Trading Commission Investigator George Malas including Exhibits, Motion and Memo for Preliminary Injunction and Proposed Order, Motion and Memo for *Ex Parte* Statutory Restraining Order and Proposed Order, Motion to Permit Appearance of Government Attorneys, and Court Order. The service package was delivered to the Law Offices of P. Sterling Kerr, P.C., 2450 Saint Rose Parkway, Suite 120, Henderson, NV 890474 on October 8, 2019 at 10:20am and signed for by DES.



# Exhibit 3

UPS Delivery Confirmation

10/8/2019

Tracking Details | UPS

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number**

1ZA4796A2210244620

**Service**

UPS Next Day Air/UPS Express

**Delivered On**

10/08/2019 10:20 A.M.

**Delivered To**

HENDERSON, NV, US

**Received By**

DES

**Left At**

Receiver

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 10/08/2019 1:43 P.M. EST



# UPS Next Day Air® UPS Worldwide Express®

## Shipping Document

Instructions on back. Visit [UPS.com](http://UPS.com) or call 1-800-PICK-UPS® (800-742-5877)  
Additional information and Tariff/Terms and Conditions.

TRACKING NUMBER: 1Z A47 96A 22 1024 462 0

### SHIPMENT FROM

SHIPPER'S UPS ACCOUNT NO. A 4 7 9 6 A

### REFERENCE NUMBER

2450 Saint-Paul Parkway, Suite 120 Henderson, NV 89074

TELEPHONE

NAME: Danielle Kest  
TELEPHONE: 202 418-6158

### SHIP TO

### SHIPMENT ADDRESS

155 21ST ST STREET NW RM. 1109

CITY AND STATE: WASHINGTON DC ZIP CODE: 20581

### EXTREMELY URGENT DELIVERY TO

NAME: Circle Society, Corp. 702 608-0635

TELEPHONE

COMPANY: 2450 Saint-Paul Parkway, Suite 120 Henderson, NV 89074

SHIPMENT ADDRESS: 2450 Saint-Paul Parkway, Suite 120 Henderson, NV 89074

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL): ZIP CODE: 89074



3	WEIGHT	<input checked="" type="checkbox"/> LIR	<input type="checkbox"/> PAK	WEIGHT	DIAGONAL WEIGHT (If Applicable)	4	SHIPPER RELEASE
5	TYPE OF SERVICE	<input checked="" type="checkbox"/> NEXT DAY AIR	<input type="checkbox"/> EXPRESS (INTL)	<input type="checkbox"/> DOCUMENTS	<input type="checkbox"/> CHARGES		
6	OPTIONAL SERVICES	<input type="checkbox"/> SATURDAY PICKUP	<input type="checkbox"/> SATURDAY DELIVERY	<input type="checkbox"/> DECLARED VALUE FOR CARRIAGE	<input type="checkbox"/> C.O.D.	<input type="checkbox"/> ADDITIONAL HANDLING CHARGE	<input type="checkbox"/> TOTAL CHARGES
7	DECLARED VALUE FOR CARRIAGE	\$100	\$	\$	\$	\$	\$
8	METHOD OF PAYMENT	<input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT	<input type="checkbox"/> BILL THIRD PARTY	<input type="checkbox"/> CREDIT CARD	<input type="checkbox"/> CHECK		
9	RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.						

SHIPPER'S SIGNATURE: [Signature]

DATE OF SHIPMENT: 6/14/01

SHIPPER'S COPY